

**UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MASSACHUSETTS**

UNITED STATES OF AMERICA for the  
use of WALTHAM LIME & CEMENT  
COMPANY,

Plaintiff,

v.

PEABODY CONSTRUCTION CO., INC.,  
ODF CONTRACTING CO., INC., HOON  
COMPANIES, INC., and TRAVELERS  
CASUALTY AND SURETY COMP ANY  
OF AMERICA,

Defendants.

Civil Action No. 05-10138 NG

**STIPULATION OF DISMISSAL WITH PREJUDICE**

NOW COME the parties and hereby stipulate and agree pursuant to Rule 41(a)(1)(ii) of the Federal Rules of Civil Procedure that the within action be dismissed, with prejudice, and without costs. The parties further stipulate that all rights of appeal are waived.

WALTHAM LIME & CEMENT COMPANY

/s/ Anthony Moccia

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Anthony Moccia, BBO# 350225  
ECKERT SEAMANS CHERIN & MELLOTT, LLC  
One International Place, 18th Floor  
Boston, Massachusetts 02110  
Telephone: (617) 342-6800  
Facsimile: (617) 342-6899

PEABODY CONSTRUCTION CO., INC. and  
TRAVELERS CASUALTY AND SURETY  
COMPANY OF AMERICA

/s/ Jonathan C. Burwood

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Jonathan C. Burwood, BBO #643674  
Hinshaw & Culbertson LLP  
One International Place, 3<sup>rd</sup> Floor  
Boston, Massachusetts 02110  
Telephone: (617) 213-7000  
Facsimile: (617) 213-7001

Date: March 22, 2006

**CERTIFICATE OF SERVICE**

I hereby certify that this document filed through the ECF system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF) and paper copies will be sent to those indicated as non registered participants on March 22, 2006.

/s/ Jonathan C. Burwood

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Jonathan C. Burwood